

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

CBRE REALTY FINANCE TRS, LLC,

Plaintiff,

v.

BRIAN A. MCCORMICK

and

CHARLES W. MOORE,

Defendants.

Case No. 08-cv-1964

**REPLY IN SUPPORT OF MOTION FOR
ENTRY OF FINAL JUDGMENT INCLUDING INTEREST**

Plaintiff RFC TRS, LLC hereby responds to the Opposition of Defendants to Motion for Entry of Final Judgment Including Interest and states as follows:

First, Defendants make a perfunctory motion for reconsideration. To the extent Defendants seek relief under Fed. R. Civ. P. 59, their request is untimely. That rule requires a motion to amend a judgment to be filed within 10 days of its entry. Here, summary judgment was granted on December 8, 2009. Defendants' motion was filed 31 days later, on January 8, 2010.¹

In addition, Defendants have not proffered any basis to obtain relief under Fed. R. Civ. P. 60. Indeed, they assert no new facts or legal arguments and do not allege fraud, inadvertence, or

¹ Indeed, because the judgment has been on file for over 30 days, it is final. The Court, however, still has under consideration Plaintiff's request for interest.

excusable neglect. Defendants' bare assertion that the Court got it wrong is not a sufficient basis for a motion for reconsideration.

Second, Defendants make two objections to Plaintiff's interest calculation. Both are to the May 27, 2007 date from which Plaintiff calculated interest.² Plaintiff disagrees with these arguments. Nonetheless, Plaintiff's first priority is obtaining a final judgment as soon as possible.

Defendants plainly had notice of the demand on the Guaranty as of July 29, 2008, the date suit was filed, and all amounts at issue were expended by that date. Accordingly, Plaintiffs request that the Court either enter final judgment immediately for \$22,621,414.34 (the summary judgment amount) or enter final judgment immediately for \$23,342,188.38 (the summary judgment plus prejudgment interest from July 29, 2008).³ In either case, each of Defendants' arguments would be moot.

Plaintiff also requests post-judgment interest at a 2.34% rate (\$1450.25 per day) from December 8, 2009 to the date of payment.

Dated: January 11, 2009

Respectfully submitted

/s/ George R. Calhoun

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² Defendants state incorrectly that Plaintiff calculated interest from April 27, 2007.

³ There were 497 days between July 29, 2008 and December 8, 2009. Multiplying 22,621,414.34 by 0.0234 by 497/365 produces 720,774.04.